P.R. No. 5707/06
Presented by Shri S.K. Verma
dated 12/10/06

SINGLE BENCH

(4)

CF 1002

(2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 5677 /2006

PETITIONER : **Dhansay Patel**
S/o Shri Thanda Ram Patel
Age about 42 years, Asstt. Teacher,
Govt. Primary School, Jhinka,
Block - Kartala, Distt. - Korba (C.G.)

VERSUS

RESPONDENTS :
1. **State Govt. of Chhattisgarh**
Through : Secretary,
Tribal Welfare and Education Department,
D.K.S. Bhavan, Raipur (C.G.)
2. **Assistant Commissioner**
Tribal Welfare Department,
I.T.I. Korba (C.G.)
3. **District Education Officer**
I.T.I. Korba (C.G.)
4. **Block Education Officer**
Block Office Kartala,
Teh. - Kartala, Distt. - Korba (C.G.)
5. **Joint Director (Funds and Accounts)**
Nutan Chowk, Sarkanda, Bilaspur (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(17)

(17)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 5635 of 2006

Petitioner : Meghanath Yadav

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5636 of 2006

Petitioner : Gajadhar Prasad Sahu

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5637 of 2006

Petitioner : Ramashankar Gupta

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5638 of 2006

Petitioner : Teekam Lal Sinha

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5639 of 2006

Petitioner : Smt. Sunita Pal

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5640 of 2006

Petitioner : Mahboob Khan Quraishi

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5641 of 2006

Petitioner : Smt. Jageswari Bhagel

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5642 of 2006

Petitioner : Tulendra Kumar Tiwari

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5643 of 2006

Petitioner : Ramavtar Yadava

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5644 of 2006

Petitioner : Anuj Ram Sahu
Versus
Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5646 of 2006

Petitioner : Rajendra Kumar Gupta
Versus
Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5647 of 2006

Petitioner : Sharad Tiwari
Versus
Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5648 of 2006

Petitioner : Mahendra Prasad Shukla
Versus
Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5673 of 2006

Petitioner : Gunbhooshan Sahu
Versus
Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5674 of 2006

Petitioner : Smt. Jaya Tiwari
Versus
Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5675 of 2006

Petitioner : Tuka Ram Chandrakar
Versus
Respondents : State Govt. of Chhattisgarh & another

W. P. (S) No. 5676 of 2006

Petitioner : Ramesh Kumar Verma
Versus
Respondents : State Govt. of Chhattisgarh & another
And
W. P. (S) No. 5677 of 2006

Petitioner : Dhansay Patel
Versus
Respondents : State Govt. of Chhattisgarh & another

(19)

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Shri Ajay Shrivastava, Advocate for the Petitioners.
Smt. Anju Ahuja, Dy. Govt. Advocate for the respondents/State.

ORDER
(26th October, 2006)

1. Learned counsel appearing for the petitioners submits that while working as Assistant Teachers/Upper Division Teachers/Lecturers, the petitioners have gone on training to improve their qualifications on their own expenses and acquired B. Ed./B.T.I Examination Certificate.

2. The present writ petitions, being W.P.(S) Nos. 5635/2006, 5636/2006, 5637/2006, 5638/2006, 5639/2006, 5640/2006, 5641/2006, 5642/2006, 5643/2006, 5644/2006, 5646/2006, 5647/2006, 5648/2006, 5673/2006, 5674/2006, 5675/2006, 5676/2006 and 5677/2006 involve similar facts and common question of law. Thus, these petitions are being disposed of by this common order.

3. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96). This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another

(Supra), came to the conclusion that the teachers, who had obtained B.Ed./B.T.I. Examination Certificate on his own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioners further submits that the facts and question of law involved in the present cases are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

5. Accordingly, the writ petitions are allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired B. Ed./B.T.I. Examination Certificate on their own expenses or not. No order as to costs.

6. A copy of this order be placed on record of other connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge

Bablu